

III. REMARKS

Claims 1-24 are pending in this application. Applicant is not conceding in this application that those claims are not patentable over the art cited by the Office, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the subject matter. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 2, 10 and 18 are objected to for allegedly failing to further limit the subject matter of a previous claim. Claims 17-24 are rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Claims 1, 2, 9, 10, 17 and 18 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting. Claims 1-2, 4-10, 12-18 and 20-24 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Vaidyanathan *et al.* (U.S. Patent No. 6,367,068), hereafter “Vaidyanathan,” in view of “SQL: Visual QuickStart Guide” by Fehily, hereafter “Fehily.” Claims 3, 11 and 19 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Vaidyanathan and Fehily and further in view of Official Notice.

A. OBJECTION TO CLAIMS 2, 10 AND 18

The Office has objected to claims 2, 10 and 18 as allegedly failing to further limit the subject matter of a previous claim. In doing so the Office equates the outputting of the previous

claims with the displaying of claims 2, 10 and 18. However, Applicant respectfully submits that this equating is misplaced because outputting is not limited to displaying. Outputting may take on other forms than just displaying. To this extent, claims 2, 10 and 18 modify the previous claims by specifying the specific form that the outputting is to take. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

B. REJECTION OF CLAIMS 17-24 UNDER 35 U.S.C. §101

The Office has rejected claims 17-24 as allegedly being directed to non-statutory subject matter. Specifically, the Office states that embodiments of claim 17 may include “transmission media.” Applicant has amended claim 17 to include “storage medium.” Accordingly, Applicant respectfully requests that the Office’s rejection be withdrawn.

C. REJECTION OF CLAIMS 1-2, 4-10, 12-18 AND 20-24 UNDER 35 U.S.C. §103(a)

With regard to the 35 U.S.C. §103(a) rejection over Vaidyanathan in view of Fehily, Applicant asserts that the references cited by the Office do not teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 9 and 17, Applicant submits that the cited references fail to teach or suggest analyzing the computer program code to determine if messages that are designed to support the computer program code for an end-user are needed to be inserted into the computer program code. In contrast, the messages in passage of Vaidyanathan cited by the Office are provided to a developer as a result of compilation and are not designed to support the computer program code for an end-user. Furthermore, the messages in Vaidyanathan are not to be inserted into the computer programs code. Fehily does not cure

this deficiency. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With further respect to independent claims 1, 9 and 17, Applicant respectfully submits that the cited references also fail to teach or suggest at least two types of unique formatting being used. Rather, Vaidyanathan discloses only underlining. Fehily does not cure this deficiency. Accordingly, Applicant requests that the rejection be withdrawn.

With respect to dependent claims, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

D. REJECTION OF CLAIMS 3, 11 AND 19 UNDER 35 U.S.C. §103(a)

With regard to the 35 U.S.C. §103(a) rejection over Vaidyanathan in view of Fehily, Applicant asserts that the Office's factual assertion is not properly based upon common knowledge. For example, Applicant asserts that saving the quantity for each of the types of messages is not obvious to one skilled in the art as asserted by the Office. Accordingly, Applicant respectfully requests that the Office support the finding with references that show these features.

With regard to the Office's other arguments regarding dependent claims, Applicant herein incorporates the arguments presented above with respect to independent claims listed above. In addition, Applicant submits that all dependant claims are allowable based on their own distinct

features. However, for brevity, Applicant will forego addressing each of these rejections individually, but reserves the right to do so should it become necessary. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

E. REJECTION OF CLAIMS 1, 4 AND 8 UNDER OBVIOUSNESS TYPE DOUBLE PATENTING

Claims 1, 2, 9, 10, 17 and 18 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 2, 8, 15 and 16 of copending Application No. 10/685,806. Applicant will, if necessary, address this in a later paper with, e.g., a terminal disclaimer, upon an indication of allowable subject matter.

IV. CONCLUSION

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better

condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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